HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Appeal No. 1337/2001
(Old No. 1686/1988)

Pratap Singh S/o Munshi Ram ……..Appellant

Vs.

State of U.P. ..……...Respondent

Sri A. S. Gill, learned counsel for the appellant.
Sri G. S. Sandhu learned A.G.A.

Hon'ble Irshad Hussain, J.

This is a criminal appeal under section 374 of the Code of Criminal Procedure against the judgment and order dated 26.5.1988 passed by the II Additional Sessions Judge, Nainital in S.T. No. 118/1983 convicting and sentencing appellant to undergo RI for a period of two years under section 324 IPC and RI for a period of six months under section 323 IPC.

Learned counsel for the appellant argued only on the point of sentence and submitted that the occurrence took place about twenty years ago and no useful purpose will be served if the aged appellant is to serve the sentence of imprisonment and that instead he may be sentenced to pay find for the offences for which he had been found guilty. Learned counsel has submitted that the appellant was in jail during the enquiry and trial for about two months. Attention has also been drawn to the injuries of the victim which were found to be simple. Considering the facts of the case, the submissions of the learned counsel have force and the ends of justice will be satisfied if suitable modification in the sentence is made in this case.

For the reasons aforesaid, the appeal is partly allowed. Conviction of appellant under section 324/323 is affirmed. The sentence awarded is modified to the sentence already undergone and to pay fined of Rs. 1000/- (Rupees one thousand only) under section 324 IPC and to pay fine of Rs. 500/- (Rupees five hundred only) under section 323 IPC. In default of payment of fine the appellant shall undergo RI for six months under the first count and RI for two months under the second count.

The appellant may deposit the fine within one month.

Let the record be sent back to the Sessions Judge concerned for compliance and report within two months.

(Irshad Hussain, J.)

Dated: 04.05.2004

Rawat